

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 4: PRIVATE PATROL LICENSE.

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41.041 Definitions.

- (a) "Board," as used in this chapter, shall mean the San Bernardino County Board of Supervisors.
- (b) "County," as used in this chapter, shall mean the County of San Bernardino.
- (c) "Person," as used in this chapter, shall mean and include individuals, partnerships, corporations, and associations.
- (d) "Private patrol service," as used in this chapter, shall mean any person, as hereinabove defined, who furnishes another person the service of patrolling private property within the unincorporated area of San Bernardino County, for any purpose whatsoever. Any exceptions to the above will be stated specifically in this chapter.
- (e) "Private patrolman," as used in this chapter, shall mean any person who not only is employed by or is an agent of a private patrol service, but who also performs the service hereinabove defined in paragraph (d) of this section. Each member of a copartnership licensed hereinunder to conduct a private patrol service shall be deemed to be a private patrolman.
- (f) "Sheriff," as used in this chapter, shall mean the Sheriff of the County of San Bernardino.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962); Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969); Amended Ordinance #2039 (1975);

41.042 License Required.

It shall be unlawful for any person to maintain a private patrol service in the unincorporated area of the County unless a license therefor has been secured in the manner provided for in this chapter.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962); Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969); Amended Ordinance #2039 (1975);

41.043 Registered Private Patrolman.

It shall be unlawful for any private patrol service to employ or have associated with it in the conduct of its business any private patrolman who is not currently registered pursuant to subdivision (f) of Section 7514 of the California Business and Professions Code.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.044 Licenses.

(a) APPLICATION. Application for private patrol license shall be made in writing and filed with the Clerk of the Board. Each application shall be accompanied by a \$25 fee. Said fee shall be credited as part of the first annual license fee.

Each applicant shall prove to the satisfaction of the Clerk of the Board that he possesses a valid license under the Private Investigator and Adjuster Act of the State of California and has in force the bond required by that Act. The application shall require the following information:

- (1) The full name and business address of the applicant;
- (2) The name under which the applicant intends to do business;
- (3) A statement as to the general matter of the business in which the applicant intends to engage;
- (4) If the applicant is a partnership, the full name and residence of each of its partners. If the applicant is a corporation, the full names and residences of its president, vice- president, secretary, treasurer, and its manager;
- (5) Two (2) recent photographs of the applicant. Two (2) classifiable sets of his fingerprints;
- (6) A verified statement of his experience qualifications.

(b) DURATION AND TRANSFERABILITY. All licenses issued pursuant to the provisions of this chapter shall be for a term of one (1) year from the date of issuance thereof, and shall not be transferable.

(c) RENEWALS. Upon expiration of any license issued pursuant to this chapter, the holder thereof shall upon the payment of the required license fee be entitled to a new license for the ensuing year without making a new application therefor, provided the required license fee is paid before the expiration of the license.

(d) FEES. License and modification of license fees shall be as set forth in Section 16.025 of the County Code.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.045 Suspension or Revocation of License.

The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend for a period not exceeding one (1) year or revoke the license of any licensee who commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

If said suspension or revocation is appealed pursuant to Section 41.047, the suspension or revocation shall take effect in accordance with the provisions of Section 41.048.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.046 Disciplinary Action - Grounds.

It shall be a ground for denial, suspension, revocation, or other disciplinary action if any applicant, licensee, his agent, or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority, or on behalf of the licensee, has:

- (a) Knowingly made any false, misleading, or fraudulent misstatement of a fact in an application for a license; or
- (b) Violated any provision of this chapter or any statute relating to his permitted activity, or illegally used, carried or possessed a dangerous weapon; or
- (c) Been convicted of a felony or any crime involving moral turpitude; or
- (d) Committed any unlawful, fraudulent or dangerous act while conducting the permitted business; or
- (e) Violated any rule or regulation adopted by the Board relating to the licensee's business; or
- (f) Conducted the permitted business in a manner contrary to the peace, health, safety, or general welfare of the public; or
- (g) Impersonated, or permitted, aided or abetted an employee to impersonate a law enforcement officer or any employee of the United States or any State or political subdivision thereof; or
- (h) Committed or permitted any employee to commit any act while the license was expired which would be cause for the suspension or revocation of a license or grounds for a denial of an application for a license; or

- (i) Willfully failed or refused to render to a client services or to report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties; or
- (j) Committed assault, battery or kidnapping or used force without proper justification; or
- (k) knowingly violated, or advised, encouraged or assisted the violation of any court order or injunction in the course of the business as a licensee; or
- (l) Committed a violation of Section 148 of the Penal Code.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.047 Procedure.

An applicant or licensee may, within ten (10) days of service upon him of a written notice of denial of license or suspension or revocation of his license under Section 41.045, file a request for hearing to appeal the suspension, revocation or denial with the Board. The request for hearing shall be in writing and filed by or on behalf of the applicant or licensee. It need not be verified or follow any particular form. Failure to file such a request for hearing shall constitute a waiver of the applicant's or licensee's right to a hearing.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.048 Pending Revocation or Suspension, Hearings - Effect on Licensee.

(a) CONTINUING BUSINESS. Upon appeal of a suspension or revocation, pursuant to Section 41.045, pending the final determination of such appeal, a licensee may continue to engage in the business for the period of his license or until the Board makes such final determination.

(b) RENEWAL - APPLICATION. A licensee may file an application for a renewal of a license pursuant to Section 41.044(c) accompanied by the required fee during the pendency of a proceeding to suspend or revoke his license. Such filing shall continue such license in full force and effect until the entry of the final order of the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit or condition the license shall have the effect of granting said renewal. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or has thereafter been presented. No further notice to the applicant is required and the Board or hearing examiner is authorized to consider and make findings upon such application in accordance with this chapter.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.049 Fictitious Name.

It shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection with the application for a license or in connection with operating the business.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.0410 Exceptions to the Application of this Chapter.

The licensing provisions of this chapter shall not apply to:

(a) A person performing any of the services listed in Section 41.041(d) hereof for a single owner whose property is not open to the public, provided that such person's entire compensation for a customary day's work for that owner is paid for by that owner or a patrol service providing guard service performed on private property where the public is not admitted and does not include mobile services using marked vehicles on public streets.

(b) Qualified members of the Sheriff's Office of the County who are performing services under a contract entered into by the Sheriff's Office and who are being compensated for such service by the County.

(c) Qualified members of any legally constituted law enforcement agency of a political subdivision, while engaged in an activity required to be done in carrying out the lawful duties of that agency, and for which service said member will receive compensation from said political subdivision.

(d) Qualified members of the San Bernardino County Sheriff's Reserve while such members are engaged in the lawful services provided for such Reserves, upon order of the Sheriff.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962); Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969); Amended Ordinance #2039 (1975);

41.0411 Information to be Furnished to Sheriff's Office.

Each licensed private patrol service shall maintain records with the following information, and furnish them to the Sheriff's Office upon request:

- (a) The address of each parcel of property patrolled;
- (b) The name of the owner or client requesting patrol service for said parcel;
- (c) The home or business address and telephone number of each said owner or client as furnished to the private patrol service for use in an emergency;
- (d) A schedule showing the frequency and the time at which various areas were patrolled;
- (e) A list, with descriptions and license numbers, of all vehicles owned or used by the patrol service.

Failure to maintain said information on file and to comply with the requirements to furnish information shall be cause for the Board to suspend the private patrol service license in the manner provided for in Section 41.045 of this chapter.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962); Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969); Amended Ordinance #2039 (1975);

41.0412 Distinguishing Insignia.

(a) AVAILABILITY OF OFFICIAL INSIGNIA FOR INSPECTION. There is available for public inspection at all reasonable office hours, at the office of the Sheriff in the Courthouse at San Bernardino, California, the official badge, the official distinguishing shoulder "patches," the official collar insignia and the official hat insignia, which are prescribed by the Sheriff as being regulation insignia and attire for qualified members of the Sheriff's Office of the County of San Bernardino. These bear, among other distinguishing features, the words "County of San Bernardino," and they are hereby referred to, and by this reference are deemed to be described as fully as though more completely pictured herein.

(b) PURPOSE TO PRESERVE DISTINCTIVENESS OF OFFICIAL INSIGNIA. By this provision, the Board declares it is its intention to preserve the distinctiveness and the distinguishing features of the badge, the shoulder patch, and the accompanying collar and hat insignia which have been prescribed by said Sheriff as official for qualified members of the Sheriff's Office and its Reserve, to the end that the public will not be subjected to confusion or deceit by persons who may seek to give the false impression that they are such officers, when they are not, in fact, so qualified and appointed.

(c) PRIVATE PATROLMAN PATCH INSIGNIA REQUIREMENT. Any badge or cap insignia worn by a person who is a licensee, officer, director, partner, employee, or private patrolman of a licensee shall be of a design approved by the Director of Consumer Affairs for the State of California and shall bear on its face a distinctive word indicating the name of the licensee and an employee number by which such person may be identified by the licensee. Every licensed private patrolman shall, while furnishing the service described in Section 41.041 hereof, or while enroute to or from any place for the furnishing of such service, wear upon the right breast part of his outer garment a rectangular patch insignia not less than four and one-fourth (4-1/4) inches long and one (1) inch high, bearing the words "Private Patrol" in legible letters at least one-half (1/2) inch high. Said identification may be either a cloth patch or a plastic pin.

(d) A private patrolman or private patrol licensee vehicle may bear an insignia or other markings denoting private patrol services. These insignias or markings will be limited to the following:

If an insignia is used, it must not be in the form of a star or other similar shape. The name of the private patrol company must be plainly worded on the insignia. In addition, either across the face or below the insignia and in equal view, a rectangular sign must be placed with the words "Private Patrol" in contrasting color to the background and with letter size equal to or larger than the largest letter on the insignia.

A rectangular sign, without separate insignia, may be used. The words "Private Patrol" must be included in any wording, be of contrasting color to the background and to any other words used on the sign and must be equal to or larger than the largest letters on the rectangular sign.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962); Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969); Amended Ordinance #2039 (1975);

41.0413 Promulgation of Rules and Regulations.

The Board may promulgate rules and regulations by resolution duly adopted, not inconsistent with this chapter, relating to private patrol services and private patrolmen.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.0414 Persons Excluded from Obtaining a License.

No license shall be issued to a corporation unless it shall have complied with Section 122 of the Corporation Code, with respect to its filing of a certificate to do business in the County nor to a copartnership or individual operating under a fictitious firm name, until compliance has been had with Section 17910 of the Business and Professions Code to the identity of such firm.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.0415 Arms and Equipment.

The only arms and equipment authorized by the County for private patrolmen or private patrol licensees on duty are side arms with open holsters, night sticks no longer than twenty- four (24) inches in length, handcuffs and flashlight.

Individual patrolmen and private patrol licensees may be authorized shotguns while on duty only upon satisfactory completion of training in their use, as approved by the Sheriff.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);

41.0416 Conduct and Duty Performance.

(a) TRESPASS. An operator, partner, agent or patrolman shall not, either by himself or through the action of another, harass, annoy, or commit a nuisance against, or injure the property of, or unnecessarily enter or otherwise trespass upon the property of, any person whose property the patrol service is not employed to protect.

(b) REPORTING VIOLATIONS. Upon receiving a report of any violation of any State law or County Code, any operator, partner, agent or patrolman shall not perform official police or investigation activities, but shall immediately report every violation of the law and every unlawful occurrence to the nearest Sheriffs Office or Deputy Sheriff's patrol car. A full report of such violation shall be made to the Sheriff without delay.

(c) COMPLAINTS. All complaints regarding the activities of operators, partners, agents or patrolmen shall be investigated by the Sheriff. Reports of such complaints shall be held in the Sheriffs Office.

(d) CUSTOMER LIST. Each patrol service shall keep a list of all customers and the patrolman who is assigned to guard the premises of such customers each day of the year. These lists must be kept on file for three (3) years.

Adopted Ordinance #683 (1951); Amended Ordinance #892 (1959); Amended Ordinance #1007 (1962);
Amended Ordinance #1137 (1964); Amended Ordinance #1176 (1964); Amended Ordinance #1522 (1969);
Amended Ordinance #2039 (1975);